

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 33306 of 2006(M)

PETITIONER:

ALATHARAMALA VIKASANA SAMITHY,
REG.NO.Q.446/04, ELAMPAZHANOOR P.O.,
CHADAYAMANGALAM, KOTTARAKARA TALUK, REPRESENTED
BY ITS PRESIDENT, KOYA KUNJU M., MUTTATHUKONAM,
KURIYODU P.O., NILAMEL, KOLLAM DISTRICT.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
 2. THE DISTRICT COLLECTOR, KOLLAM.
 3. THE TAHSILDAR,
KOTTARAKKARA TALUK, KOTTARAKKARA.
 4. THE KADAKKAL GRAMA PANCHAYATH,
KADAKKAL, KOLLAM DISTRICT REPRESENTED BY ITS
SECRETARY.

R1 TO R3 BY GOVT. PLEADER SRI. P.N. SANTHOSH.
R4 BY ADV. SRI.PIRAPPANCODE V.S. SUDHEER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.M.JOSEPH, J.

WP.(C) No.33306 of 2006

Dated this the 24th day of May, 2007

JUDGMENT

Petitioner is a registered society. According to the petitioner, the members of the Society are agriculturists who were allotted Government land in terms of the Special Rules for Assignment of Government land for Rubber Cultivation, 1960. 106 allottees were given distinct plots. One such plot was set apart as a common plot, intended for being used for providing common amenities. This is the case of the petitioner. It is the further case of the petitioner that the fourth respondent Panchayat has no title or possession over the said common plot. But, they have illegally encroached upon the common plot and attempted to reduce the same to its possession by digging a huge pit for dumping the solid waste. It is the further case that there is no notification under Section 219F of the Panchayat Raj Act. Petitioner has filed Ext.P3 before the District Collector. All parties agreed that a decision may be directed to be taken by the District Collector on Ext.P3 after hearing the petitioner and the fourth

respondent and any other affected party.

The writ petition is disposed of directing the second respondent to consider and take a decision on Ext.P3 in accordance with law with opportunity of hearing to the petitioner, the fourth respondent and any other affected party within a period of two months from the date of receipt of a copy of this judgment. It shall be open to the petitioner to rely on Ext.P2 proceedings issued by the second respondent before the second respondent. It shall be open to the fourth respondent to rely on among other things the resolution taken by it. In other words I leave open the contentions of all the parties.

(K.M. JOSEPH, JUDGE)

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